

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 939, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF FLAVORING EXTRACTS (VANILLA, LEMON, AND STRAWBERRY).

During the months of January and February, 1910, The Bruce & West Manufacturing Company, a corporation, Cleveland, Ohio, shipped five consignments of food products, one from the State of Ohio into the State of Michigan, and the other four from the State of Ohio into the State of Kentucky. The shipment from Ohio into Michigan was labeled: "C. Brand Lemon Extract. Three fifths Standard Strength, Color Trace. Manufactured by The Bruce & West Mfg. Co. J. M. Shull, Mgr., Cleveland, O. Guaranteed under the Food and Drugs Act, June 30, 1906. Serial No. 9305." The shipments from Ohio into Kentucky were labeled, respectively: "2 ounces. Full measure. Bruce & West Extract Strawberry;" with the word "imitation" stamped with a rubber stamp. "For flavoring cakes, ice cream, sauces, custards, etc. Peerless Extract of Strawberry. Unexcelled in purity, strength, and fine flavor. Prepared by The Bruce & West Mfg. Co., Cleveland, Ohio." "One eighth Pint Tip Top Extract of Lemon, for flavoring ice cream, custards, puddings, cakes & etc. Prepared by Bruce & West, Cleveland, O." and pasted across this label was a small sticker label bearing the statement "Imitation Lemon Flavor, Color Trace." "Two ounces Capitol Extract of Vanilla, absolutely pure. Prepared by The Bruce & West Mfg. Co. Cleveland, O. Vanilla and Vanillin Flavor, Color Trace." ; and "Bruce & West Extract of Lemon. Unexcelled in purity, strength and fine flavor. Prepared by The Bruce & West Manufacturing Company, Cleveland, O." Samples of the above products were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the results of the said analyses, considering the products in the above order, were as follows: (First) ("C. Brand Lemon Extract") Specific gravity, 15.56° C., 0.85593; alcohol by volume, 79.73 per cent; solids, 0.148 per cent;

lemon oil, by polarization, 3.4 per cent, by precipitation, 3.6 per cent; index of refraction of oil at 20° C., 1.4722; citral, by weight, 0.26 per cent; coal-tar dye present, color corresponding to tartrazine in reactions. (Second) ("Extract Strawberry") Alcohol by volume, 48.2 per cent; esters as ethyl acetate, 3.78 per cent; colored with red azo, an unpermitted coal-tar dye. (Third) ("Tip Top Extract of Lemon") Lemon oil, none; colored artificial, giving reactions for naphthol yellow S.; capacity of 4 bottles respectively 2.01, 2.01, 1.87, and 1.76 ounces. (Fourth) ("Extract of Vanilla") Specific gravity 15.6° C., 1.0089; alcohol, by volume, 31.48 per cent; solids 14.544 per cent; vanillin 0.224 per cent, resins, small amount; coal-tar color present in one set of bottles; lead subacetate test for caramel positive in one set of bottles and negative in another; amyl alcohol extract, fair yellow color; average contents of 48 bottles, 49.93 cc.; average shortage of 48 bottles, 15.75 per cent. (Fifth) ("Bruce and West Extract of Lemon") Specific gravity 15.6° C., 0.8607; alcohol by volume, 77.71 per cent; lemon oil by polarization 4.06 per cent, by precipitation 4.2 per cent; index of refraction of oil at 20° C., 1.4727; citral, by weight, 0.24 per cent; coal-tar color, naphthol yellow S. present; contents of four bottles, respectively, 63, 65.5, 61, and 64.5 cc. As the findings of the analysts and reports thereon indicated that the products were adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Bruce and West Manufacturing Company, Incorporated, and the parties from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the above shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Northern District of Ohio against the said Bruce & West Manufacturing Company, charging the above shipments and alleging that the products so shipped were adulterated and misbranded as follows in the order above set forth: (1) ("C. Brand Lemon Extract") Adulterated because a substance consisting of a dilute extract of lemon, artificially colored, and containing but 2.4 per cent of lemon oil had been mixed and packed with said product so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted therefor; and misbranded, because it was labeled as above set forth, which label was false and misleading and such as to deceive the purchaser into the belief that it contained lemon extract, when in truth and in fact it contained an adulterated product, as above set forth. (2) ("Extract Strawberry") Adulterated because an imitation strawberry extract

had been mixed and packed with said product so as to lower and reduce its quality and strength and had been substituted therefor; and because the product had been colored with a dye in a manner whereby the color of genuine strawberry extract had been simulated and the fact of its being an imitation strawberry extract concealed; and misbranded because it was labeled as above set forth, which label was such as to mislead and deceive the purchaser into the belief that the product was a genuine strawberry extract, when, as a matter of fact, it was an adulterated product as above set forth, prepared in imitation of and offered for sale under the distinctive name of another article—"Peerless Extract of Strawberry." (3) ("Tip Top Extract of Lemon") Adulterated because a substance consisting of an imitation lemon extract, containing no oil of lemon, had been mixed and packed with the said product so as to reduce or lower or injuriously affect the quality or strength of said product, and had been substituted wholly or in part therefor; and misbranded because it was labeled as above set forth, which label was false and misleading and such as to deceive the purchaser, since the product was not an "extract of lemon," but an adulterated product, as above set forth, and because it was represented to be one-eighth pint in quantity, when, as a matter of fact, it was 10 per cent short of said quantity. (4) ("Extract of Vanilla") Adulterated because an alcoholic solution of vanillin, containing but a small amount of vanilla extract, had been mixed and packed with said product so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for said product, and because the article had been colored or stained in a manner whereby its inferiority was concealed; and misbranded because it was labeled as above set forth, which label was such as to cause the purchaser to believe that the product was a pure vanilla extract, when, in truth and in fact, it was an adulterated product, as above set forth, and because the label in question represented each package of the product to contain 2 ounces, when, as a matter of fact, each package weighed 20 per cent less than said amount. (5) ("Bruce & West Extract of Lemon") Adulterated because a dilute extract of lemon had been mixed and packed with said product so as to reduce, lower, or injuriously affect the quality or strength thereof, and had been substituted wholly or in part for said "lemon extract," and because the article had been colored in a manner whereby inferiority was concealed; and misbranded because it was labeled as above set forth, which label was such as to cause the purchaser to believe that it was an extract of lemon, unexcelled in purity, strength, and fine flavor, when, as a matter of fact, it was an adulterated product, as above set forth, containing less than 5 per cent by volume of oil of lemon.

On February 16, 1911, the defendant entered a plea of nolo contendere to the above information, and the court imposed a fine of \$50 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 9, 1911.*

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